



RE: 0:17-cv-00775-DCC New River Community Church v . Canco General Contractors Inc re: Arbitration

Tom Strickland to: Ashley_Buckingham@scd.uscourts.gov

12/21/2017 11:42 AM

Cc: "Matthew G. Gerrald"

From: Tom Strickland <Tom@basjlaw.com>

To: "Ashley_Buckingham@scd.uscourts.gov" <Ashley_Buckingham@scd.uscourts.gov>

Cc: "Matthew G. Gerrald" <Matt@basjlaw.com>

History: This message has been forwarded.

3 attachments



Consent Order Staying Proceedings Pending Arbitration.docx



Consent Order Staying Proceedings Pending Arbitration.pdf



Consent Order Staying Proceedings Pending Arbitration (with counsel signatures).pdf

Thank you for your email.

Both parties requested a stay until the arbitration was completed, with either party then being able to apply to the court to confirm the award or other decision of the arbitrator. We submitted the attached proposed Order to Judge Childs on October 2.

Please let me know if this does not answer your question, or if you need any further information.

Tom Strickland

Robert T. Strickland
Barnes, Alford, Stork & Johnson, L.L.P.
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Fax: (803) 254-1335
Phone: (803) 799-1111

CONFIDENTIAL & PRIVILEGED COMMUNICATION

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise.

If you received this communication in error, please notify us by return email and destroy any copies (electronic, paper or otherwise) that you may have of this communication.

From: Ashley_Buckingham@scd.uscourts.gov [mailto:Ashley_Buckingham@scd.uscourts.gov]

Sent: Thursday, December 21, 2017 11:24 AM

To: Matthew G. Gerrald; Tom Strickland

Subject: 0:17-cv-00775-DCC New River Community Church v. Canco General Contractors Inc re:

Arbitration

Good Morning,

Judge Coggins asked that I reach out to Plaintiff's counsel regarding arbitration in the above case. He would like to know when Plaintiff consented to Arbitration (Entry 16), did they also consent to the staying of this case? Or does plaintiff intend on filing a notice of voluntary dismissal?

Please advise.

Thank you.

Ashley Buckingham
Civil Case Administrator for the Honorable Mary Geiger Lewis
Civil Case Administrator for the Honorable Donald C. Coggins, Jr.
United States District Court, District of South Carolina
300 East Washington Street
Greenville, SC 29601
864.241.2757

----- Message from Tom Strickland <Tom@basjlaw.com> on Mon, 2 Oct 2017 23:00:21 +0000 -----

To: "childs_ecf@scd.uscourts.gov" <childs_ecf@scd.uscourts.gov>
"mjones@hnblaw.com" <mjones@hnblaw.com>, "trippett.boineau@mgclaw.com" <trippett.boineau@mgclaw.com>
cc: "jessica.abney@mgclaw.com" <jessica.abney@mgclaw.com>, "joseph.bias@mgclaw.com" <joseph.bias@mgclaw.com>
<michelle.laliberte@mgclaw.com>, "mrutland@mgclaw.com" <mrutland@mgclaw.com>, "Heath Stevens@mgclaw.com" <heath.stevens@mgclaw.com>
"jsilverberg@hnblaw.com" <jsilverberg@hnblaw.com>

Subject: RE: New River Community Church v. Canco General Contractors, Inc. Case No. 0:17-cv-00775-JMC

Dear Judge Childs:

We represent the Plaintiff in this matter.

After I submitted the proposed Order Staying Proceedings Pending Arbitration on September 13 (see below), counsel for the Defendant advised that their client consented to the Order. I modified the proposed Order to reflect that consent, and the revised Consent Order is attached in Word and PDF formats. I am attaching a second PDF of the Consent Order with counsel's actual signatures.

Very truly yours,

Tom Strickland

Robert T. Strickland
Barnes, Alford, Stork & Johnson, L.L.P.
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Fax: (803) 254-1335
Phone: (803) 799-1111

CONFIDENTIAL & PRIVILEGED COMMUNICATION

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client,

accountant-client, or other privileges as to this communication or otherwise.
If you received this communication in error, please notify us by return email and destroy any copies (electronic, paper or otherwise) that you may have of this communication.

From: Tom Strickland
Sent: Wednesday, September 13, 2017 12:06 PM
To: 'childs_ecf@scd.uscourts.gov'
Cc: 'mjones@hnblaw.com'; 'trippett.boineau@mgclaw.com'; 'cwells@mgclaw.com';
'jessica.abney@mgclaw.com'; 'joseph.bias@mgclaw.com'; 'michelle.laliberte@mgclaw.com';
'mrutland@mgclaw.com'; Heath Stewart (heath.stewart@mgclaw.com); 'jsilverberg@hnblaw.com'
Subject: New River Community Church v. Canco General Contractors, Inc. Case No. 0:17-cv-00775-JMC

Dear Judge Childs:

We represent the Plaintiff in this matter, New River Community Church.

Our client originally filed suit in the York County Court of Common Pleas. The Defendant, Canco General Contractors, Inc., removed the case to federal court and filed a Petition to Compel Arbitration and Stay Proceedings Pending Arbitration (Docket Entry No. 4). Our client originally opposed arbitration for the reasons stated in our Memorandum in Opposition to the Petition (Docket Entry No. 5).

On August 30, we presented several options to the Defendant for resolving the arbitration issue. We asked that the Defendant select one of the proposals by September 10 and advised that if no proposal was selected by that date, we would file a Consent to Arbitration, with the arbitration to be administered by the American Arbitration Association pursuant to that organization's Construction Industry Arbitration Rules. That is the method of arbitration requested in the Defendant's Petition.

One of the Defendant's attorneys, Trippett Boineau, advised on September 8 that Canco consented to arbitration before the American Arbitration Association but needed final approval from its insurance carrier, which they hoped to have by today. That decision has been delayed, possibly due to the weather.

We filed our Consent to Arbitration today and are submitting the attached proposed Order for your consideration.

Very truly yours,

Tom Strickland

Robert T. Strickland
Barnes, Alford, Stork & Johnson, L.L.P.
1613 Main Street
Post Office Box 8448
Columbia, SC 29202
Fax: (803) 254-1335
Phone: (803) 799-1111

CONFIDENTIAL & PRIVILEGED COMMUNICATION

Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be an attorney-client privileged and confidential information/ work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.